



State of New Jersey  
Government Records Council

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# ***RECORDS NOTE***

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#### **About the GRC**

Created under the State's **Open Public Records Act** (OPRA), the **Government Records Council** (GRC) handles inquiries from the public and public agency records custodians about the law, provides mediation of disputes about access to public records, and resolves disputes regarding access to public records.

*The information contained in this document is intended as general guidance only and does not constitute formal legal advice or a final decision of the Government Records Council concerning any specific request for records.*

## **How to Request and Get Access to Government Records**

The **Open Public Records Act** provides procedures for the public (the "requester") to review or copy government records. This *Records Note* provides a summary of these procedures and guidance for requesting records.

To access government records, a requester must determine which records he or she wishes to see or copy, and then determine which public agency holds them. OPRA applies to requests for records, not request for isolated facts. The requester should ask the custodian of records for help in identifying what public record is likely to contain the information or facts being sought.

In order to be considered a valid request under OPRA, the request must identify the specific record(s) desired, the request must be submitted to the records custodian of the public agency that has the record, and that agency's records request form must be used to ask for the record.

Requesters should contact the agency in advance to determine the identity of the custodian. That will help eliminate delays in fulfilling a request. In a municipal government, the custodian will be the municipal clerk, or, at other levels of government, someone in that agency who has been appointed to that job. In many municipal governments, records routinely available through an office, like the police department or tax collector, can still be obtained directly from those offices.

Calling ahead or checking agency web sites in advance of filing requests can save time and aggravation. State government has a web site, **OPRA Central**, dedicated to helping people find state government records. . OPRA Central also has lists of Internet links to New Jersey public agency web sites.

## **Records Request Forms**

Once requesters know the record(s) they want and the public agency that has them, a records request can be submitted. Each public agency records custodian must adopt a form that meets the requirements of state law. Contact the records custodian of the agency to obtain this form.

A request must be in writing on the form provided by the agency. The completed form can be mailed, hand-delivered, faxed (if the agency accepts faxed requests), or "otherwise conveyed to the proper custodian." The request cannot be made by telephone. Many agencies are placing downloadable versions of their request form on their own web site, and many departments of state government permit requests to be filed on-line (See OPRA Central, [www.nj.gov/opra](http://www.nj.gov/opra)).

Request forms ask for the name, address and phone number of the requester, and may include room for an e-mail address. While requesters do not have to give a name, it permits the custodian to contact them if there are questions about the request or to inform them of any fees that are required or must be paid in advance.

If an anonymous request is made, requesters should follow up in person, as custodians will require a deposit before providing copies. The amount of the deposit is set by each agency. Inspection of public records can be done anonymously. However, if personal information about anyone is being sought, requesters will have to sign a certification that they have not been convicted of an indictable crime. This is necessary to ensure that information about a crime victim or their family is kept confidential.

Agencies may release some records “informally” over the telephone, by fax or in person when routinely disclosed records are requested. On the rare occasion a request for such a routine record is denied, the custodian is obligated to provide requesters information about their rights to appeal the denial.

### Time Frame for Access

Under OPRA, the custodian must respond to request “as soon as possible,” but requesters must receive a response within seven business days after the custodian receives a complete request. That does not mean that a record in storage, or one that is difficult to find, will be available during that time. In that situation, the requester and custodian should try to agree on a specific date by which the document will be available. If the requester believes that the date given by the custodian is an “unreasonable period of time” and will not agree to wait until that date to access the document, the requester can consider this a denial of access and start action against the custodian.

Certain records must be available “immediately” under OPRA. That means that those records that are ordinarily accessible to the custodian, such as invoices, vouchers and minutes, shall be provided upon request.

### Fees

Unless the agency sets a lower fee, or there is a state law or rule setting a different fee, paper copies of records cost \$.75 a page for the first 10 pages; \$.50 cents per copy for the next 10, and \$.25 per copy over 20 pages. Requests that require extraordinary effort to fulfill may be subject to an additional charge that covers the public agency’s costs of fulfilling the request.

Requesters can ask for records in a specific format (e.g., paper copy, computer disk, tape). If the format is not used by the agency, the requester will be charged a reasonable amount for the agency’s cost to put the record into that format. The custodian must advise requesters of such a fee in advance of fulfilling the request.

### Exceptions and Denial of Access

OPRA provides that certain government records are not available for public inspection or copying. This includes those portions of records that contain personal information such as driver’s license, credit card, social security number, phone numbers and home addresses, records pertaining to security and criminal investigations, and [other items authorized by law](#).<sup>1</sup> If a record that is accessible to the public contains such information, that portion of the record will be redacted (blacked out or obscured from view).

If a requester is denied access to a government record, the custodian must provide the requester with the reason(s) for denial and written notice of the requester’s rights to appeal the denial.<sup>2</sup>

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<sup>1</sup> A [Records Note on OPRA exceptions](#) is available from the Government Records Council and on its web site.

<sup>2</sup> A [Records Note on appealing denial to access](#) is available from the Government Records Council and on its web site.